

HOUSE BILL NO. 539

INTRODUCED BY C. SMITH, JONES, UNDERDAL, STOBIE, MARKS,
ELLIOTT, RYAN, SOLBERG, J. HAMMOND, W. JENSEN, VINGER,
DRISCOLL, HARP, MUELLER, CONNELLY, HAND, SWIFT,
SEIFERT, FABREGA, SEVERSON, LYNCH

IN THE HOUSE

January 27, 1983	Introduced and referred to Committee on Highways and Transportation.
February 7, 1983	Committee recommend bill do pass as amended. Report adopted.
February 8, 1983	Bill printed and placed on members' desks.
February 9, 1983	Second reading, do pass.
February 10, 1983	Considered correctly engrossed.
February 11, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1983	Introduced and referred to Committee on Highways and Transportation.
March 9, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 10, 1983	On motion, taken from second reading and rereferred to Committee on Rules.
March 16, 1983	Committee recommend bill be concurred in as amended. Report adopted.

March 18, 1983

Second reading, concurred in.

March 21, 1983

Third reading, concurred in.
Ayes, 44; Noes, 4.

IN THE HOUSE

March 21, 1983

Returned to House with
amendments.

March 31, 1983

Second reading, amendments
concurred in.

April 1, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *539* *Mark*
 2 INTRODUCED BY *Smith* *Jensen* *Undersdal* *Stabie*
 3 *Ryan Salberg* *Jensen* *Ernst* *HART* *Mueller* *Connelly*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOGGING *hand*
 5 TRUCK OF UP TO 80,000 POUNDS TO OPERATE UNDER A SPECIAL *with*
 6 PERMIT; AMENDING 61-10-124, MCA; AND PROVIDING AN IMMEDIATE *effect*
 7 EFFECTIVE DATE." *Saverson* *Lynch* *Falanga*

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 61-10-124, MCA, is amended to read:

11 "61-10-124. Special permits — fee. (1) Except as
 12 provided in subsection (2)(b), in addition to the regular
 13 registration and gross vehicle weight fees, a fee of \$10 for
 14 each trip permit and a fee of \$75 for each term permit
 15 issued for size and weight in excess of that specified in
 16 61-10-101 through 61-10-110 shall be paid for all movements
 17 under special permits on the public highways under the
 18 jurisdiction of the department.

19 (2) (a) Except as provided in subsection (2)(b), term
 20 or blanket permits may not be issued for an overwidth
 21 vehicle, combination of vehicles, load, or other thing in
 22 excess of 15 feet; an overlength vehicle, combination of
 23 vehicles, load, object, or other thing in excess of 85 feet;
 24 and an overheight vehicle, combination of vehicles, load, or
 25 other thing in excess of 13 1/2 feet, or of a limit

1 determined by the department. A vehicle, combination of
 2 vehicles, load, or other thing in excess of these dimensions
 3 is limited to trip permits.

4 (b) A term permit may be issued to a dealer in
 5 implements of husbandry and self-propelled machinery for an
 6 overwidth or overlength vehicle referred to in subsection
 7 (2)(a). The fee for this permit is \$75. This permit covers a
 8 period of 1 year and expires on December 31 of each year
 9 with no grace period.

10 ~~(c) With payment of the appropriate gross weight fee~~
 11 ~~required by 61-10-203 and with payment of the fee prescribed~~
 12 ~~in subsection (1), allowable gross weight of a five-axle~~
 13 ~~combination logging vehicle is 80,000 pounds.~~

14 (3) Except as provided in subsection (2)(b), a permit
 15 may not be issued for a period of time greater than the
 16 period for which the GVW license is valid as provided in
 17 this title, including grace periods allowed by this title.
 18 Owners of vehicles licensed in other jurisdictions may, at
 19 the discretion of the department, purchase permits to expire
 20 with their registration. A license required by the state
 21 governs the issuance of a special permit."

22 NEW SECTION. Section 2. Effective date. This act is
 23 effective on passage and approval.

-End-

Approved by Committee
on Highways & Transportation

HOUSE BILL NO. 539

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ELLIOTT, RYAN, SOLBERG, J. HAMMOND, W. JENSEN, VINGER,
DRISCOLL, HARP, MUELLER, CONNELLY, HAND, SWIFT,
SEIFERT, FABREGA, SEVERSON, LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOGGING
TRUCK OF UP TO 80,000 POUNDS TO OPERATE UNDER A SPECIAL
PERMIT; ~~PROVIDING FOR CHANGING THE 7 PERCENT ALLOWANCE TO A~~
~~5 PERCENT ALLOWANCE ON TOTAL GROSS AND AXLE WEIGHT~~
~~LIMITATIONS FOR ALL VEHICLES OR COMBINATIONS OF VEHICLES;~~
AMENDING SECTIONS 61-10-124 AND 61-10-144, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-10-124, MCA, is amended to read:
"61-10-124. Special permits -- fee. (1) Except as
provided in subsection (2)(b), in addition to the regular
registration and gross vehicle weight fees, a fee of \$10 for
each trip permit and a fee of \$75 for each term permit
issued for size and weight in excess of that specified in
61-10-101 through 61-10-110 shall be paid for all movements
under special permits on the public highways under the
jurisdiction of the department.

(2) (a) Except as provided in subsection (2)(b), term

or blanket permits may not be issued for an overwidth
vehicle, combination of vehicles, load, or other thing in
excess of 15 feet; an overlength vehicle, combination of
vehicles, load, object, or other thing in excess of 85 feet;
and an overheight vehicle, combination of vehicles, load, or
other thing in excess of 13 1/2 feet, or of a limit
determined by the department. A vehicle, combination of
vehicles, load, or other thing in excess of these dimensions
is limited to trip permits.

(b) A term permit may be issued to a dealer in
implements of husbandry and self-propelled machinery for an
overwidth or overlength vehicle referred to in subsection
(2)(a). The fee for this permit is \$75. This permit covers a
period of 1 year and expires on December 31 of each year
with no grace period.

~~(c) With payment of the appropriate gross weight fee~~
~~required by 61-10-203 and with payment of the fee prescribed~~
~~in subsection (1), allowable gross weight of a five-axle~~
~~combination logging vehicle is 80,000 pounds.~~

(3) Except as provided in subsection (2)(b), a permit
may not be issued for a period of time greater than the
period for which the GVW license is valid as provided in
this title, including grace periods allowed by this title.
Owners of vehicles licensed in other jurisdictions may, at
the discretion of the department, purchase permits to expire

1 with their registration. A license required by the state
 2 governs the issuance of a special permit."

3 ~~SECTION 2. SECTION 61-10-144, MCA, IS AMENDED TO READ:~~

4 "61-10-144. Violation of standards -- ~~seven~~ five
 5 percent allowance. (1) It is a misdemeanor for a person,
 6 firm, or corporation to violate any provision of 61-10-101
 7 through 61-10-110.

8 (2) However, the operator of a vehicle or combination
 9 of vehicles may move over the highways to the first open
 10 state scale, permanent or portable, without incurring the
 11 excess weight penalties set forth in 61-10-145 if the total
 12 gross weight of the vehicle or combination of vehicles does
 13 not exceed allowable total gross weight limitations by more
 14 than ~~7% 5%~~ and if the weight carried by any axle or
 15 combination of axles does not exceed the allowable axle
 16 weight limitations by more than 5%. In the event the
 17 vehicle or combination of vehicles is not in excess of the
 18 allowable total gross or axle weight limitations by more
 19 than ~~7% 5%~~, the department may issue a single trip permit
 20 for the fee of \$10 for allowing said vehicle or combination
 21 of vehicles to move over the highways to the first facility
 22 where its load can be safely adjusted or to its destination.
 23 Violations of total gross or axle weight limitations in
 24 excess of ~~7% 5%~~ are subject to the fines provided in
 25 61-10-145, and all loads in excess of ~~7% 5%~~ of total gross

1 or axle weight limitations must be adjusted or reduced to
 2 conform to the size and weight limitations before the
 3 vehicle or combination of vehicles is moved from the point
 4 of weighing.

5 (3) An operator of a vehicle or combination of
 6 vehicles subject to the provisions of 61-10-107(2) may move
 7 over a highway, except any highway which is part of the
 8 federal-aid interstate system, within a 50-mile radius of
 9 the harvested field to the point of first unloading, without
 10 incurring the excess weight penalties set forth in 61-10-145
 11 if the total gross weight of the vehicle or combination of
 12 vehicles does not exceed allowable weight limitations by
 13 more than 20% per axle but the maximum load per inch of tire
 14 width may not exceed 670 pounds. The vehicle or combination
 15 of vehicles may not exceed 40 miles per hour. No single trip
 16 permit as required in subsection (2) shall be applicable to
 17 such vehicle or combination of vehicles. When such vehicle
 18 or combination of vehicles violates any of the provisions of
 19 this subsection, the fine or penalty imposed shall apply to
 20 that portion of the load above the legal limit."

21 ~~NEW SECTION.~~ Section 3. Effective date. This act is
 22 effective on passage and approval.

-End-

1 HOUSE BILL NO. 539

2 INTRODUCED BY C. SMITH, JONES, UNDERDAL, STOBIE, MARKS,
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 7 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOGGING
 8 TRUCK OF UP TO 80,000 POUNDS TO OPERATE UNDER A SPECIAL
 9 PERMIT; ~~PROVIDING FOR CHANGING THE 7 PERCENT ALLOWANCE TO A~~
 10 ~~5 PERCENT ALLOWANCE ON TOTAL GROSS AND AXLE WEIGHT~~
 11 ~~LIMITATIONS FOR ALL VEHICLES OR COMBINATIONS OF VEHICLES;~~
 12 AMENDING SECTIONS 61-10-124 AND ~~61-10-144~~, MCA; AND
 13 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 61-10-124, MCA, is amended to read:

17 "61-10-124. Special permits -- fee. (1) Except as
 18 provided in subsection (2)(b), in addition to the regular
 19 registration and gross vehicle weight fees, a fee of \$10 for
 20 each trip permit and a fee of \$75 for each term permit
 21 issued for size and weight in excess of that specified in
 22 61-10-101 through 61-10-110 shall be paid for all movements
 23 under special permits on the public highways under the
 24 jurisdiction of the department.

25 (2) (a) Except as provided in subsection (2)(b), term

1 or blanket permits may not be issued for an overwidth
 2 vehicle, combination of vehicles, load, or other thing in
 3 excess of 15 feet; an overlength vehicle, combination of
 4 vehicles, load, object, or other thing in excess of 85 feet;
 5 and an overheight vehicle, combination of vehicles, load, or
 6 other thing in excess of 13 1/2 feet, or of a limit
 7 determined by the department. A vehicle, combination of
 8 vehicles, load, or other thing in excess of these dimensions
 9 is limited to trip permits.

10 (b) A term permit may be issued to a dealer in
 11 implements of husbandry and self-propelled machinery for an
 12 overwidth or overlength vehicle referred to in subsection
 13 (2)(a). The fee for this permit is \$75. This permit covers a
 14 period of 1 year and expires on December 31 of each year
 15 with no grace period.

16 ~~(c) With payment of the appropriate gross weight fee~~
 17 ~~required by 61-10-203 and with payment of the fee prescribed~~
 18 ~~in subsection (1), allowable gross weight of a five-axle~~
 19 ~~combination logging vehicle is 90,000 pounds.~~

20 (3) Except as provided in subsection (2)(b), a permit
 21 may not be issued for a period of time greater than the
 22 period for which the GVW license is valid as provided in
 23 this title, including grace periods allowed by this title.
 24 Owners of vehicles licensed in other jurisdictions may, at
 25 the discretion of the department, purchase permits to expire

1 with their registration. A license required by the state
 2 governs the issuance of a special permit."

3 ~~SECTION 2. SECTION 61-10-144, MCA, IS AMENDED TO READ:~~
 4 ~~"61-10-144. Violation of standards -- seven five~~
 5 ~~percent allowance. (1) It is a misdemeanor for a person,~~
 6 ~~firm, or corporation to violate any provision of 61-10-101~~
 7 ~~through 61-10-110.~~

8 (2) However, the operator of a vehicle or combination
 9 of vehicles may move over the highways to the first open
 10 state scale, permanent or portable, without incurring the
 11 excess weight penalties set forth in 61-10-145 if the total
 12 gross weight of the vehicle or combination of vehicles does
 13 not exceed allowable total gross weight limitations by more
 14 than ~~7% 5%~~ and if the weight carried by any axle or
 15 combination of axles does not exceed the allowable axle
 16 weight limitations by more than 5%. In the event the
 17 vehicle or combination of vehicles is not in excess of the
 18 allowable total gross or axle weight limitations by more
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 20 for the fee of \$10 for allowing said vehicle or combination
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 22 where its load can be safely adjusted or to its destination.
 23 Violations of total gross or axle weight limitations in
 24 excess of ~~7% 5%~~ are subject to the fines provided in
 25 61-10-145, and all loads in excess of ~~7% 5%~~ of total gross

1 ~~or axle weight limitations~~ must be adjusted or reduced to
 2 conform to the size and weight limitations before the
 3 vehicle or combination of vehicles is moved from the point
 4 of weighing.

5 (3) An operator of a vehicle or combination of
 6 vehicles subject to the provisions of 61-10-107(2) may move
 7 over a highway, except any highway which is part of the
 8 federal-aid interstate system, within a 50-mile radius of
 9 the harvested field to the point of first unloading, without
 10 incurring the excess weight penalties set forth in 61-10-145
 11 if the total gross weight of the vehicle or combination of
 12 vehicles does not exceed allowable weight limitations by
 13 more than 20% per axle but the maximum load per inch of tire
 14 width may not exceed 670 pounds. The vehicle or combination
 15 of vehicles may not exceed 40 miles per hour. No single trip
 16 permit as required in subsection (2) shall be applicable to
 17 such vehicle or combination of vehicles. When such vehicle
 18 or combination of vehicles violates any of the provisions of
 19 this subsection, the fine or penalty imposed shall apply to
 20 that portion of the load above the legal limit."

21 ~~NEW SECTION.~~ Section 3. Effective date. This act is
 22 effective on passage and approval.

-End-

March 9, 1983

SENATE STANDING COMMITTEE REPORT
(Highways & Transportation)

That House Bill No. 539 be amended as follows:

1. Title, line 11.

Following: "VEHICLES"

Insert: "NOT TRANSPORTING LIVESTOCK"

2. Page 3, line 4.

Strike: "five"

3. Page 3, line 5.

Strike: "percent allowance"

Insert: "tolerance"

4. Page 3, line 14.

Following: "5%"

Insert: "or 7% if the vehicle or combination of vehicles is transporting livestock"

5. Page 3, line 16.

Following: "5%"

Insert: "or 7% if the vehicle or combination of vehicles is transporting livestock"

6. Page 3, line 19.

Following: "5%"

Insert: "or 7% if the vehicle or combination of vehicles is transporting livestock"

7. Page 3, line 24.

Following: "5%"

Insert: "or 7% if the vehicle or combination of vehicles is transporting livestock"

8. Page 3, line 25.

Following: "5%"

Insert: "or 7% if the vehicle or combination of vehicles is transporting livestock"

March 16, 1983

SENATE STANDING COMMITTEE REPORT
(Rules)

That House Bill No. 539 be amended as follows:

1. Strike Senate Standing Committee Report (Highways & Transportation) Amendments 1-8 dated March 9, 1983.
2. Title, Line 9
Following: "PERMIT;"
Strike: Remainder of line 9 through line 11
3. Title, line 12
Strike: "SECTIONS"
Strike: "AND 61-10-144"
4. Page 3, line 3.
Strike: Section 2 in its entirety
Renumber subsequent section

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